

REMARKS

In the outstanding Office Action, claims 13 to 33 were presented for examination. Claims 17, 29 and 30 were rejected on formal grounds under 35 U.S.C. §112. In addition, rejection was advanced on the basis of 35 U.S.C. §103 against claims 13-33 as being unpatentable over U.S. Patent No. 6,618,734 to Williams et al. (referenced "Williams" hereinafter) in view of Official Notice.

In this amendment applicant has amended claims 17, 22 and 24. Accordingly, and in light of the declaration filed herewith, as will be discussed in detail below, it is believed that the application is in condition for allowance.

Claim Rejections - 35 U.S.C. §112 Second Paragraph

With regard to the rejections set forth in paragraphs 4 and 7 of the Office action, minor amendments have been made to claim 17 to more explicitly specify in clause h) of claim 17 that "said visitor" is "said website visitor". Similar amendments have been made elsewhere in claim 17, and in claims 22 and 24. In addition, "said first organization" has been more explicitly specified as being "said plurality of organizations" and the reference in clause j) of claim 17 has been amended accordingly. It is believed that the added language was inherent in the claim before amendment.

The amendments to claim 17 are respectfully believed to remove the basis for objection to claims 29 and 30 which are set forth in paragraphs 5 and 6 of the Office action.

Declaration Under 37 CFR § 1.131

Filed herewith is a declaration by inventor Paul Rathblott herein showing a date of invention prior to July 20, 2000, the effective filing date of the Williams reference. This declaration is filed to overcome the rejection for alleged unpatentability under 35 USC § 103, which relies on Williams and which is made in the outstanding Office action. Withdrawal of this rejection is respectfully requested in light of applicant's declaration, pursuant to MPEP § 715.

Claim Rejections - 35 U.S.C. §103 Unpatentability

Notwithstanding applicant's earlier date of invention, as shown in the accompanying declaration, which is believed effective to overcome Williams, applicant respectfully submits that the pending claims are patentably distinguished from Williams whether Williams is considered alone or in combination with the alleged knowledge of which Official Notice is taken, either as that Official Notice is described by the Office or to the extent that such knowledge may exist, if indeed it does exist.

Thus, Williams discloses an interviewing method and system. Williams does not disclose referral of a job candidate from another website where a job listing is posted, receiving employment information on a plurality of positions at one or more organization, presenting a website in a style mimicking the respective organization, transferring a website visitor to a referring website via an employment hyperlink, or charging the organization in response to a scoring determination regarding the website visitor. These limitations are present in applicant's claims in various distinguishing combinations.

Nor does Williams, or any other art of record, whether considered alone or in combination, disclose the subject matter of the dependent claims noting in particular, by way of example, claims 22 and 30.

Turning now to the first Official Notice, applicant recognizes that it is known for headhunters and employment agencies to be paid for filling a job position. Noting that the Office references "services", should the Office deem the knowledge in the art to be more extensive than applicant has stated, applicant respectfully questions whether the same would have been well known. In that case, applicant respectfully asks the Office to provide documentary support for such more extensive Official Notice, pursuant to MPEP § 2144.03, because no scientific or technical reasoning has been provided to support such a more extensive Official Notice.

As for the rejection based on the first Official Notice, applicant's base claim 13 calls in clause (m) for charging an organization in response to a scoring determination, not for filling a job. Similarly, dependent claim 14 in clause (u) and base claim 17, in clause (k) call for crediting a third entity, or a referring website respectively, in response to a scoring determination, not for filling a job. These claims are accordingly believed patentable and not suggested by Williams, the Officially noticed knowledge or any combination thereof. Useful embodiments of this aspect of applicant's invention can provide payment for screened and/or custom prescreened leads, names and/or résumés. A client can be required to pay for any of these documents they elect to access. For example, the client may elect to pay for a lead regarding a candidate who meets a client-specified set of qualifications. Such embodiments are believed not remotely suggested by the art of record.

Furthermore, in the action, Official Notice is taken that it is allegedly "old to and well known to hyperlink users to other web sites and credit the referring web site."

Applicant respectfully questions whether the same was in fact well known prior to the date of applicant's invention and asks the Office to provide documentary support for same, pursuant to MPEP § 2144.03. This request is made because the Office's reasoning employs the present tense and does not show that the alleged knowledge existed prior to the date of the application or of applicant's invention. While it may now be well known to pay for "click-throughs" it may or may not have been well known to pay specifically for "referring visitors to conduct transactions with employers or vendors" as stated by the Office. In this relatively young and rapidly evolving art, absent documentary evidence applicant believes there is uncertainty as to what was known prior to the date of applicant's invention. This criticism is respectfully believed applicable to all the Official Notices in the outstanding Office action that relate to web technology.

Accordingly, Applicant respectfully requests the Office to withdraw the rejection of claims 17-20, 22, 23 and 28-33, for the additional reason that the rejection is based upon an improper or incomplete Official Notice.

Claims 14-16 are furthermore rejected on the basis of Official Notice that it is "old and well known for the system of Williams to be used for ...etc." This assertion is respectfully not understood by applicant. Applicant does not understand how it can have been well known at the date of applicant's invention to use the system of a patent issued after applicant's application date and date of invention, the Williams patent, for other purposes. Applicant also respectfully has difficulty in understanding the language of the last three lines of page 5 of the Office action. Some language appears to

be missing, or perhaps superfluous. Clarification is respectfully requested if this language is to be furthermore relied upon. Accordingly, it is respectfully not understood how rejections based on this Official Notice relate to applicant's claims 14-16. In view of the deficiencies pointed out and because it is believed clear that such alleged knowledge is not unquestionable, the Office is respectfully requested also to provide documentary support for the subject matter described in this Official Notice.

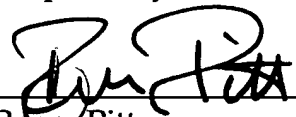
Turning now to the rejection of Claims 21, 24 and 25-27 over Williams in view of a further Official Notice, it is again respectfully requested that documentary evidence be provided to support the Official Notice as to its allegedly being old and well known "for blocking a participant from applying or retaking a test after a determination has been made... etc.". This request is made because the Office's reasoning does not show this subject matter to be unquestionably known prior to applicant's date of invention on a publicly accessible network. Furthermore, unlike Williams, embodiments of applicant's claimed invention can permit a candidate to apply for multiple positions or to reapply after a predetermined time lapse. Thus, the blocking of information on a website visitor from further use as recited in applicant's claims 21, 24 and 25-27, is respectfully believed to be quite different from the blocking of test re-taking described in the Official Notice. These claims are accordingly also believed not remotely suggested by the combination of same with Williams or any other reference.

In summary, it is respectfully believed that the rejections for unpatentability under 35 USC § 103 should be withdrawn because the primary reference to Williams has been overcome by applicant's declaration. Furthermore, notwithstanding this unavailability of the primary reference, the various Official Notices are believed inadequate to support the rejections made, as is explained above and it is believed the

rejections should be withdrawn for this reason too. Furthermore, applicant's claims are believed patentably distinguished from the disclosure of Williams even when considered in view of the several Official Notices as described by the Office.

In view of the above amendments and the discussion relating thereto, it is respectfully submitted that the instant application, as amended, is in condition for allowance. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicant's representative would be helpful in the advancement of the prosecution, she is invited to call the telephone number below for an interview.

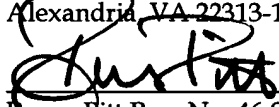
Respectfully submitted,

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